Remarks

Applicants traverse the Examiner's objection to the claims. The claims have been amended to overcome the Examiner's objection.

About the claim rejections — 35 USC §112

It is pointed out that a mobile station can generally receive information from a single base station. By contrast, the downlink macrodiversity mode is the ability for a mobile station to receive the same information from a plurality of base stations, in order to form different estimates which are then combined. This confers gain on reception which enhances the performance of the system (p.1, 1.9-23 of the present application). The macrodiversity mode implies the use of multiple receiving units in the mobile station.

According to the invention, the operation in macrodiversity mode can be dispensed with, at least partially, so that the multiple receiving units of the mobile station can be used for other purposes in various circumstances (p.3, 1.19-24 and p.11, 1.33-37).

When the macrodiversity mode is totally dispensed with, the combining unit combining the outputs of the multiple receiving units of the mobile station is deactivated, and the outputs of the rake receivers are delivered on separate processing channels (p.11, 1.37 — p.12, 1.4).

It is clear, from the teaching of the present application, that when the macrodiversity mode is partially dispensed with, the combination of the outputs of some of the multiple receiving units is deactivated, whereas the combination of the outputs of some others of the multiple receiving units is still performed.

This case is explicitly disclosed for example in p.14, 1.31 - p.15, 1.15. In this example indeed, a mobile station is in a macrodiversity mode initially. An increase of the quantity of

information to be transmitted to this mobile station may cause the base station of an adjacent cell to transmit the supplementary information. If the mobile station was previously receiving identical information from three base stations, e.g. including said base station of an adjacent cell, it is still in a macrodiversity mode with two base stations, after the increase of the quantity of information to be transmitted (which means that these two base stations keep on transmitting the same information to the mobile station). Only said base station of an adjacent cell transmits different information, which is said supplementary information.

In other terms, whereas the macrodiversity mode is the ability for a mobile station to receive the same information from a plurality of base stations, dispensing with the macrodiversity mode is renouncing to receive the same information from at least one base station of said plurality of base stations, in order to receive different information from a base station. Similarly, partially dispensing with the macrodiversity mode means renouncing to receive the same information from at least one base station, but not all the base stations, of said plurality of base stations.

It is thus believed that the expression "at least partially dispense with the macrodiversity mode" is clear in itself and comes out clearly from the teaching of the present application. It is also described in such a way to enable one skilled in the art to make and/or use the invention.

About the claim rejections — 35 U.S.C. 103

The Examiner considers that claim 1 would be obvious over Zhou (US 6,539,009) in view of Okawa (US 6,842,442).

Zhou discloses a signal reception apparatus for DS-CDMA (Direct Sequence — Code Division Multiple Access). This apparatus includes several matched filters for receiving different

signals relating to different channels. Some of the received signals can be combined to get common outputs (see Fig.6).

It is true that some of the signals can be transmitted by different base stations using respective spreading code sequences (see col.4,l.49-57). In this case, the spreading code sequence is switched in the reception apparatus to be able to receive the signals from each base station. But, Zhou teaches to do so in case of soft-handover (col.4, 1.49), i.e. macrodiversity, where every involved base station sends the same information.

In contrast with claim 1 of the present application, Zhou does not disclose that the macrodiversity could be dispensed with, at least partially. On the contrary, the paragraph of Zhou (col.7, 1.17-36) pointed by the Examiner teaches how the reception apparatus performs when soft-handover is necessary (col.7, 1.18-20), which means when an additional base station must be added to the active set of base stations transmitting the same information to the reception apparatus. The base station determined at step 16 is the base station to be added to the active set.

Therefore, Zhou does not disclose that the macrodiversity could be dispensed with, at least partially, and it would even teach one skilled in the art away from the subject- matter of claim 1 of the present application, by disclosing the operations for increasing the use of the macrodiversity mode.

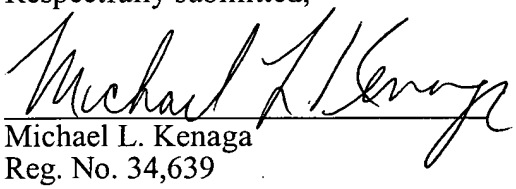
However, the possibility that the macrodiversity could be dispensed with, at least partially, as recited in claim 1 of the present application is really advantageous, in particular because it allows taking advantage of the multiplicity of receiving units in a mobile station for purposes other than macrodiversity, as explained above.

As for Okawa, it discloses a DS-CDMA system, in which a receiver can receive a spread signal having a particular format, especially in terms of the spreading codes used for the data in

the one hand and the pilot on the other hand. It does not disclose or suggest the use of the macrodiversity mode, and a fortiori not the possibility that the macrodiversity could be dispensed with, at least partially.

For these reasons, it is believed that the subject-matter of claim 1 of the present application is new and non-obvious over each one of Zhou and Okawa, even when combined each other. The same applies to claims 10 and 19. The other claims are acceptable as well, in particular since they depend on an acceptable independent claim, directly or indirectly.

Respectfully submitted,



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